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Cartoons and Comic Strips

IN GENERAL

The copyright law of the United States (title 17 of the United States Code) provides for copyright protection of literary and artistic works. Cartoons and comic strips generally are among the types of works of authorship protected by copyright. This protection extends to any copyrightable pictorial or written expression contained in the work. This protection does not extend to the title or the general theme for a cartoon or comic strip, or the general idea or name for the characters depicted. Titles and names may sometimes be protected under state law doctrines or trademark laws, but this type of protection is not provided for in the copyright statute.

COPYRIGHT REGISTRATION

Cartoons and comic strips may be registered in either published or unpublished form. Registration in the Copyright Office must be made during the first 28-year term of copyright to maintain protection for works published prior to 1978 with a proper copyright notice. While registration is not generally a condition of protection for works first published on or after January 1, 1978, or for unpublished works, there are certain advantages.

The correct application form and deposit for registering a copyright claim depend on the nature of the work and the way in which it is presented. Because a cartoon is generally a work of the visual arts, Form VA is usually appropriate for registration. However, if the textual elements in a comic strip are preponderant, registration should be made on Form TX. If you choose to register your cartoons or comic strips, send the following three elements to the Copyright Office in the same envelope or package:

1. A completed application;
2. A \$10 nonrefundable filing fee payable to the Register of Copyrights; and
3. A nonreturnable deposit of the work to be registered.

DEPOSIT REQUIREMENTS

The deposit requirement for cartoons and comic strips will vary in particular situations. The general requirements are as follows:

- If the work is unpublished, one complete copy.
- If the work was first published in the United States on or after January 1, 1978, two complete copies of the best edition.
- If the work is a contribution to a collective work, and published on or after January 1, 1978, either one complete copy of the best edition of the entire collective work, the complete section containing the contribution if published in a newspaper, the entire page containing the contribution, the contribution cut from the paper in which it appeared, or a photocopy of the contribution itself as it was published in the collective work. If published before January 1, 1978, one complete copy of the issue as first published containing the contribution.
- If the work was first published in the United States before January 1, 1978, two complete copies of the work as first published.
- If the work was first published outside the United States whenever published, one complete copy of the work as first published.

REGISTRATION OF COLLECTIONS AND CONTRIBUTIONS

A single registration may be made for cartoons published as a unit (for example, a comic book), provided that the copyright claimant is the same for all elements in the unit. Two or more unpublished cartoons or comic strips may be considered for registration as a unit on a single application when submitted with a \$10 nonrefundable filing fee and a nonreturnable deposit of the work if the following conditions are met:

1. The selections are assembled in an orderly form;
2. The combined selections bear a single title identifying the collection as a whole;
3. The copyright claimant in all of the sections, and in the collection as a whole, is the same; and
4. All of the selections are by the same author, or, if they are by different authors, at least one of the authors has contributed copyrightable authorship to each of the selections.

Works registered as a collection will be recorded in the records of the Copyright Office only under the collective

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title. Copyright registration of cartoons and comic strips extends only to the copyrightable selections deposited at the time of registration. There is no blanket registration that will cover works to be produced in the future.

A cartoon or comic strip published as a contribution to a collective work (for example, a periodical or newspaper) may be considered for group registration if certain conditions are met. Please write to the Copyright Office for information and instructions on group registration for contributions to periodicals.

NOTICE OF COPYRIGHT

When a work is published under the authority of the copyright owner, a notice of copyright should be placed on all publicly distributed copies. This notice is required even on works published outside the United States. Failure to comply with the notice requirement can result in the loss of rights otherwise available to the copyright owner, as well as the permanent loss of copyright protection.

The use of the copyright notice is the responsibility of the copyright owner and does not require advance permission from, or registration with, the Copyright Office.

FORM OF NOTICE FOR VISUALLY PERCEPTIBLE COPIES

The notice for visually perceptible copies should contain the following three elements:

1. The symbol © (the letter C in a circle), the word "Copyright," or the abbreviation "Copr.;"
2. The year of first publication of the work. In the case of compilations or derivative works incorporating previously published material, the year date of first publication of the compilation or derivative work is sufficient. The year date may be omitted where a pictorial, graphic, or sculptural work, with accompanying textual matter, if any, is reproduced in or on greeting cards, postcards, stationery, jewelry, dolls, toys, or any useful article; and
3. The name of the owner of copyright in the work, or an abbreviation by which the name can be recognized, or a generally known alternative designation of the owner.

EXAMPLE: © John Doe 1987

Before 1978, the copyright law required, as a condition for copyright protection, that all copies published with the authorization of the copyright owner bear a proper notice. If a work was published under the copyright owner's authority before January 1, 1978, without a proper copyright notice, all copyright protection for that work was permanently lost in the United States. The current copyright law does not provide retroactive protection for those works.

FOR MORE INFORMATION

If you have questions and wish to talk to an information specialist, call 202-479-0700.

To order forms, write to the Publications Section, LM-455, Copyright Office, Library of Congress, Washington, D.C. 20559, or call 202-287-9100, the Forms and Publications Hotline.

POINTS TO REMEMBER

A copyright registration is effective on the date of receipt in the Copyright Office of all the required elements in acceptable form, regardless of the length of time it takes to process the application and mail the certificate of registration. The length of time required by the Copyright Office to process an application varies from time to time, depending on the amount of material received and the personnel available to handle it. It must also be kept in mind that it may take a number of days for mailed material to reach the Copyright Office and for the certificate of registration to reach the recipient after being mailed by the Copyright Office.

You will not receive an acknowledgement that your application for copyright registration has been received (the Office receives more than 500,000 applications annually), but you may expect within 120 days:

- A letter or telephone call from a copyright examiner if further information is needed; and
- A certificate of registration to indicate the work has been registered, or if the application cannot be accepted, a letter explaining why it has been rejected.

If you want to know when the Copyright Office receives your material, send it by registered or certified mail and request a return receipt.



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